

REMARKS

Information Disclosure Statement

At the outset, Applicant draws the Office's attention to an Information Disclosure Statement and PTO Form 1449 that were filed on November 7, 2001 and again on January 30, 2002. The PTO Form 1449 was not included with either the Office Action mailed July 31, 2002, the Office Action mailed April 12, 2002, or the Office Action mailed December 30, 2002 and Applicant respectfully requests, as indicated and agreed to by the Examiner on the Interview Summary dated September 24, 2002, that the Office consider the references listed thereon.

Claim Rejections

In the Office Action, claims 1-9 and 11 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-2, 6, 8, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,002,450 to Darbee et al. ("Darbee"). Claims 3-5, 7, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Darbee in view of U.S. Patent No. 5,648,757 to Vernace et al. ("Vernace"). Applicant has herein amended claim 1, has canceled claims 5-9 and 11 without prejudice and without admitting the propriety of the rejections of those claims, and has added new claim 12. Applicant submits that no new matter has been added. Applicant traverses the rejections as follows.

Applicant submits that Darbee does not teach or suggest all of the elements of amended independent claim 1. For example, Darbee does not teach or suggest, among other things, "a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing, wherein the light source is in communication with the processor, wherein

the light source is one of an incandescent light and a light emitting diode, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the light source to be lit upon receipt of the signal, and wherein the light source shines down upon the input device when the light source is lit” as claimed in claim 1.

Darbee is directed to a two-way remote control with advertising display. The device in Darbee uses a motion detector circuit which, in various embodiments, is used “to determine if the user has picked up the remote control, at which time a popup overlay of the payload message can indicate the current status of the remote control” and “to place the remote control … in a given state when it is picked up by the user.” Darbee, col. 3, lines 33-36 and col. 6, lines 54-56. The payload message is displayed on a liquid crystal display (LCD) on the remote control.

See Darbee, fig. 1.

Applicant submits that the LCD of Darbee is not a light source, but is rather a visual display to display messages. However, assuming arguendo and not by way of admission that the LCD is a light source, Applicant submits that the LCD is not “attached to an extending projection, wherein the extending projection is attached to a top side of the housing [of the remote control device]” as claimed in claim 1. Furthermore, Applicant submits that the LCD display of Darbee is not “one of an incandescent light and a light emitting diode” as claimed in claim 1. Also, Applicant submits that the LCD display of Darbee does not “shine[] down upon the input device when the light source is lit” as claimed in claim 1.

Therefore, Applicant submits that Darbee fails to teach or suggest every limitation of claim 1 and, thus, Applicant submits that claim 1, and claims 2-4 and 12 which depend therefrom, are not anticipated by Darbee.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



Jonathan C. Parks
Reg. No. 40,120

Attorney for Applicant

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
Tel. (412) 355-6288
Fax (412) 355-6501